

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

STATE OF MISSOURI,

Respondent,

v.

WILLIAM T. MORRISON,

Appellant.

DOCKET NUMBER WD73684

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: April 24, 2012

APPEAL FROM

The Circuit Court of Lafayette County, Missouri
The Honorable Dennis A. Rolf, Judge

JUDGES

Division Two: Pfeiffer, P.J., and Mitchell and Witt, JJ.

CONCURRING.

ATTORNEYS

Chris Koster, Attorney General
Karen L. Kramer, Assistant Attorney General
Jefferson City, MO

Attorneys for Respondent,

Ellen H. Flottman, District Defender
Columbia, MO

Attorney for Appellant.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI,)
)
Respondent,)
v.) **OPINION FILED:**
) **April 24, 2012**
WILLIAM T. MORRISON,)
)
Appellant.)

WD73684

Lafayette County

Before Division Two Judges: Mark D. Pfeiffer, Presiding Judge, and Karen King Mitchell and Gary D. Witt, Judges

Appellant, William Morrison, was convicted as a persistent felony offender of stealing by deceit following a jury trial in Lafayette County. He was sentenced to fifteen years' imprisonment, to run consecutively with any existing sentences. Morrison raises three points on appeal: (1) the court erred in failing to dismiss the charges pursuant to the Interstate Agreement on Detainers ("IAD") Act; (2) the court erred in failing to dismiss the charges pursuant to section 545.890 (the terms of court statute); and (3) the court erred in failing to declare a mistrial following the prosecutor's reference to Morrison's prior conviction in closing argument.

AFFIRMED.

Division Two holds:

(1) Morrison was not entitled to discharge under the IAD because he failed to meet his burden of establishing that he fell within the protections of the IAD insofar as he failed to prove that a detainer was in place at the time he filed his request for disposition. Morrison's warrant did not constitute a *de facto* detainer.

(2) Because Morrison could not be located at the time of his indictment, the terms of court statute, requiring him to be tried within three terms of court, did not start to run until the

warrant on his indictment was served. Because he was tried within three terms of court following service of the warrant, Morrison was not entitled to discharge.

(3) The trial court did not plainly err in failing to *sua sponte* declare a mistrial during closing argument after the prosecutor used Morrison's prior conviction, which was in evidence, to attack Morrison's credibility as a witness.

Opinion by: Karen King Mitchell, Judge

April 24, 2012

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.